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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/597,386	06/19/2000	Roel Van Der Tuijn	PENA-15/119	4743
24737	7590	05/17/2005	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			JAGANNATHAN, MELANIE	
			ART UNIT	PAPER NUMBER
			2666	
DATE MAILED: 05/17/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/597,386

Applicant(s)

TUIJN ET AL.

Examiner

Melanie Jagannathan

Art Unit

2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 10 and 12 is/are rejected.
- 7) ☒ Claim(s) 2-9, 11 and 13-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 10, 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Upadrasta US 5,872,820.

Regarding claim 1, the recitation plurality of asynchronous transmitting and receiving systems has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Upadrasta discloses base station subsystem communicating with one or more mobile stations employing TDMA scheme. See column 2, lines 44-57. The claimed in a master system, cycling a counter using a clock reference to generate a master count, using the master count to establish a master frame count is disclosed by base station subsystem (Figure 2, element 250) acting as master having a frame number counter (element 253) running over time which assigns frame numbers to message frames for proper decoding and sequencing. See column 2, lines 59-67, column 3, lines 28-36. The claimed in a slave system, cycling a counter using a clock

Art Unit: 2666

reference to generate a main count, using the main count to establish a main frame count is disclosed by mobile station (element 200) including a mobile frame number counter (element 280) where radio listens for synchronization burst from base station subsystem carrying frame number information (Figure 5, element 490). Upon detection, frame number information is extracted from signal (element 500) and sent to controller (element 515) which increments mobile frame number counter (element 520) and this is done for every subsequent synchronization burst signal sent. The current mobile frame number value, the current value received from base station subsystem, is stored into a temporary memory (element 535). See column 2, lines 59-67, column 3, lines 10-67, column 4, lines 1-5, lines 47-67, column 5, lines 1-40.

The claimed from a difference between master frame count and main frame count, determining a frame count offset value is disclosed by (Figure 5, element 550) controller calculates a value `time_lag` as the difference between latest frame number mobile frame number counter has and frame number stored in temporary memory which is last frame number sent from base station subsystem. See column 5, lines 41-46. The claimed establishing a slave frame count for slave system by adding offset value to main frame count, thereby aligning the slave frame count of the slave system with master frame count and communicating digital streams between master and slave by aligning frames is disclosed by (element 555) value `time_lag` is added to mobile frame number counter to account for internal delay of mobile station and thus perfectly synchronizing mobile frame number counter with frame numbers of message frames from base station subsystem. See column 5, lines 46-56. The claimed incrementing the slave frame count when the main count is incremented is disclosed by `temp` and `time_lag` values will

Art Unit: 2666

change as more messages come and the mobile frame number counter is incremented by controller.

Regarding claims 10, 12, the recitation plurality of asynchronous transmitting and receiving systems has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Upadrasta discloses base station subsystem communicating with one or more mobile stations employing TDMA scheme. See column 2, lines 44-57. The claimed master system operable for cycling a counter using a clock reference to generate a master count, using the master count to establish a master frame count is disclosed by base station subsystem (Figure 2, element 250) acting as master having a frame number counter (element 253) running over time which assigns frame numbers to message frames for proper decoding and sequencing. See column 2, lines 59-67, column 3, lines 28-36. The claimed slave system operable for cycling a counter using a clock reference to generate a main count, using the main count to establish a main frame count is disclosed by mobile station (element 200) including a mobile frame number counter (element 280) where radio listens for synchronization burst from base station subsystem carrying frame number information (Figure 5, element 490). Upon detection, frame number information is extracted from signal (element 500) and sent to controller (element 515) which increments mobile frame number counter (element 520) and this is done for every subsequent

synchronization burst signal sent. The current mobile frame number value, the current value received from base station subsystem, is stored into a temporary memory (element 535). See column 2, lines 59-67, column 3, lines 10-67, column 4, lines 1-5, lines 47-67, column 5, lines 1-40.

The claimed circuit operable for determining a difference between master frame count and main frame count, determining a frame count offset value is disclosed by (Figure 5, element 550) controller calculates a value `time_lag` as the difference between latest frame number mobile frame number counter has and frame number stored in temporary memory which is last frame number sent from base station subsystem. See column 5, lines 41-46. The claimed slave system establishing a slave frame count by adding offset value to main frame count, thereby aligning the slave frame count of the slave system with master frame count and communicating digital streams between master and slave by aligning frames is disclosed by (element 555) value `time_lag` is added to mobile frame number counter to account for internal delay of mobile station and thus perfectly synchronizing mobile frame number counter with frame numbers of message frames from base station subsystem. See column 5, lines 46-56. The claimed incrementing the slave frame count when the main count is incremented is disclosed by `temp` and `time_lag` values will change as more messages come and the mobile frame number counter is incremented by controller.

Allowable Subject Matter

3. Claims 2-9, 11, 13-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Prior art of record, in single or in combination, does not disclose master and slave systems each generating a count with plurality of bits defining frame boundaries, determining in slave system a bit offset between master system frame boundary and slave system frame boundary, adjusting bit offset so frames are aligned in combination with other limitations of claim involving master and slave system each configured to cycle a counter to generate a master and main count respectively. The prior art of record does not disclose, in single or in combination, the master and main counts including first plurality of bits forming frame count and second plurality of bits forming a bit count for defining frame boundaries, starting a packet count for each frame incremented at a predetermined rate using bit count determined for frame boundary of slave system in combination with other limitations of claim involving master and slave system each configured to generate a master frame count and main frame count respectively. The prior art of record does not disclose, in single or in combination, monitoring drift between clock reference of master and slave system, adjusting the bit offset and slave frame count to reflect drift in combination with other limitations of claim involving aligning frame with the clock reference of master system when slave frame count for slave system is aligned with master frame count.

Response to Arguments

4. Applicant's arguments, see pages 9-11, filed 11/12/2004, with respect to the rejection(s) of claim(s) 1-20, have been fully considered and are persuasive. Upon further consideration, a new ground(s) of rejection is made with reference Upadrasta US 5,872,820.

Art Unit: 2666


In response to applicant's arguments, the recitation plurality of asynchronous transmitting and receiving systems has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie Jagannathan whose telephone number is 571-272-3163. The examiner can normally be reached on Monday-Friday from 8:00 a.m.-4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJ

FRANK DUONG
PRIMARY EXAMINER